

CLIFTON PERRY, K-16800,)	
)	
Plaintiff(s),)	No. C 12-3063 CRB (PR)
)	
vs.)	ORDER OF DISMISSAL WITH
)	LEAVE TO AMEND
M. MARTEL, et al.,)	
)	(Docket # 11 & 12)
Defendant(s).)	
)	

DISCUSSION

Federal courts must engage in a preliminary screening of cases in which prisoners seek redress from a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The court must identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint "is frivolous, malicious, or fails to state a claim upon which relief may be granted," or "seeks monetary relief from a defendant who is immune from such relief." *Id.* § 1915A(b). Pro se pleadings must be liberally construed, however. *Balistreri v. Pacifica Police Dep't*, 901 F.2d 696, 699 (9th Cir. 1990).

1 To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two
2 elements: (1) that a right secured by the Constitution or laws of the United States
3 was violated, and (2) that the alleged violation was committed by a person acting
4 under the color of state law. West v. Atkins, 487 U.S. 42, 48 (1988).

5 B. Legal Claims

6 Plaintiff claims various wrongdoing at SQSP. Among other things, he
7 claims that prison officials failed to give him proper mental health assessment
8 and rehabilitative programming, denied him due process at a disciplinary hearing
9 and denied him access to a state-appointed spiritual guidance leader. But
10 plaintiff alleges no specific facts in support of his claims and does not link any of
11 the named defendants with this claims of wrongdoing.

12 Plaintiff's claims will be dismissed with leave to amend to set forth
13 specific facts showing how his federal rights were violated, if possible. Plaintiff
14 also must link each named defendant with his allegations of wrongdoing so as to
15 show how each defendant actually and proximately caused the deprivation of his
16 federal rights of which he complains. See Leer v. Murphy, 844 F.2d 628, 634
17 (9th Cir. 1988). A prison official cannot be liable for damages under § 1983
18 simply because he is responsible for the actions or omissions of another. See
19 Taylor v. List, 880 F.2d 1040, 1045 (9th Cir. 1989).

20 **CONCLUSION**

21 For the foregoing reasons, the complaint is dismissed with leave to amend,
22 as indicated above, within 30 days of this order. The pleading must be simple
23 and concise and must include the caption and civil case number used in this order
24 and the words FIRST AMENDED COMPLAINT on the first page. Failure to
25 file a proper amended complaint within the designated time will result in the
26 dismissal of this action.

1 Plaintiff is advised that the amended complaint will supersede the original
2 complaint and all other pleadings. Claims and defendants not included in the
3 amended complaint will not be considered by the court. See King v. Atiyeh, 814
4 F.2d 565, 567 (9th Cir. 1987).

5 Plaintiff's request (docket # 11 & 12) for an order directing prison officials
6 to grant him frequent access to the law library and the like is DENIED without
7 prejudice to renewing if his amended complaint is ordered served.

8 SO ORDERED.

9 DATED: Nov.15, 2012


10 CHARLES R. BREYER
11 United States District Judge
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